



## Recommendation for Action

**File #:** 21-2355, **Agenda Item #:** 17.

7/29/2021

### **Posting Language**

Authorize negotiation and execution of a construction manager at risk agreement with Flintco, LLC (staff recommendation) or the other qualified responder for Request for Proposals CLMA041, for preconstruction and construction services for the Asian American Resource Center Phase II Improvements project in an amount not to exceed \$4,800,000.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.00% MBE and 6.50% WBE participation.]

### **Lead Department**

Capital Contracting Office

### **Managing Department**

Public Works Department

### **Fiscal Note**

Funding is available in the Fiscal Year 2020-2021 Capital Budget of the Parks and Recreation Department.

### **Purchasing Language:**

Best Value to the City of Austin of three offers received and evaluated.

### **Prior Council Action:**

June 3, 2021 - City Council authorized negotiation and execution of a professional services agreement with Trahan Architects to provide professional design services for the Asian American Resource Center Phase II Improvements project.

January 27, 2021 - City Council authorized use of Construction Manager-at-Risk alternative delivery procurement method.

September 19, 2019 - City Council adopted the Asian American Resource Center Master Plan.

### **For More Information:**

Inquiries should be directed to the City Manager's Agenda Office, at 512-974-2991 or [AgendaOffice@austintexas.gov](mailto:AgendaOffice@austintexas.gov) <<mailto:AgendaOffice@austintexas.gov>>

NOTE: Respondents to this solicitation, and their representatives, shall direct inquiries to Rolando Fernandez, 512-974-7749; or Beverly Mendez, 512-974-3596; or the Project Manager, David Nicks, 512-974-7886.

### **Additional Backup Information:**

The Asian American Resource Center (AARC) opened in 2013 on a 15-acre site and serves a large, actively

---

engaged Asian American community in Austin. It was funded through a voter-approved 2006 Bond Package for \$5,000,000 with a \$750,000 investment from the U.S. Department of Commerce's Economic Development Administration. The mission of the AARC is to provide spaces, services, resources, and programs through an Asian American Pacific Islander perspective. Its vision is to empower Austin's diverse communities through cultural understanding and life-enhancing opportunities. Funding for the AARC Phase II Improvements project is supported by bonds approved by Austin voters as part of Proposition B of the 2018 Bond Election.

A citizen led AARC Master Plan was created in 2006 and followed in 2019 by a Master Plan Update and associated Community Engagement Report outlining the varying needs and desires of the community.

This request is consistent with Resolution No. 20200521-095 directing the City Manager to review capital project delivery planning and accelerate delivery of cultural center facilities included in the 2018 bond package, the AARC is specifically identified as one of the capital projects intended to aid economic recovery of the City's vital arts, music and entertainment industries during the COVID-19 pandemic.

If authorization is not given to execute a Construction Manager at Risk agreement for the Phase II of the AARC Master Plan Update, it would prevent the Construction Manager to be under contract in a timely manner to perform key preconstruction phase services such as collaborating with the City and the design team on scope and constructability review. In addition, a live performance theater and associated programming spaces and parking, will be delayed. There will be impact to the public use of property, however construction will be phased to minimize business disruption.

Prior to entering into the construction phase, the City will establish Minority-owned Business Enterprise and Women-owned Business Enterprise goals for construction and the construction manager at risk firm will submit a Compliance Plan meeting the construction goals or documentation detailing their good faith effort(s) to meet the established goals. Additional subcontracting opportunities will also arise during the construction phase of this project; however, the specific scopes and magnitude of the construction work cannot be determined until design has been sufficiently completed.

The construction manager at risk method is a project delivery method where the City will contract with an architect or engineer to perform design services and separately contract with a Construction Manager to perform preconstruction and construction phase services. The role of the Construction Manager goes beyond performing general contractor services. The Construction Manager is under contract early in the design process to perform key preconstruction phase services such as collaborating with the City and the design team on scope and constructability and to optimize the design and control costs and budgets, and to provide quality assurance-quality control. After design, and before construction begins, the City will negotiate and execute a Guaranteed Maximum Price for the remainder of the work, including actual construction.

The construction management firm is recommended by a City-staffed evaluation panel that evaluated and scored proposals based on published evaluation criteria to determine the highest ranked proposer. As set forth in Government Code Chapter 2269, the City of Austin will select a construction manager firm that will provide the "best value" to the City for preconstruction and construction services for the project.

The contract allows for 900 calendar days for completion of this project. The project is located in zip code 78754 (District 1).

**TOP RANKED FIRM:**

Flintco, LCC is located in Austin, Texas.

**SECOND RANKED FIRM:**

Structura, Inc. is located in Austin, Texas.

**Strategic Outcome(s):**

Culture and Lifelong Learning; Government that Works for All; Economic Opportunity; Health and Environment